

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-4, 7-23 and 26-39 are pending in the present application. Claims 5, 6, 24, 25 and 40 are canceled and Claims 1, 7, 20, 26 and 39 are amended by the present amendment.

In the outstanding Office Action, Claims 1-13, 15-17, 19-32, 34, 35 and 37-40 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,177,905 to Welch; and Claims 14, 18, 33 and 36 were rejected under 35 U.S.C. § 103(a) as unpatentable over Welch in view of U.S. Patent No. 6,064,980 to Jacobi et al (herein "Jacobi").

Applicants respectfully traverse the rejection of Claims 1-13, 15-17, 19-32, 34, 35 and 37-40 under 35 U.S.C. § 102(e) as anticipated by Welch, with respect to amended independent Claims 1, 20 and 39.

Amended Claim 1 is directed to a purchase promotion server system that includes, *inter alia*, a user information database, a user state judgement unit configured to automatically judge a user state regarding whether the user is fit to make an action for purchasing goods or services, a user information management unit configured to recognize a user information communication terminal currently used by the user, and a user notification unit. The user notification unit is configured to send a message urging or reminding the user to purchase goods or services at the current physical location of the user information communication terminal. Further, the user state judgement unit judges the user state according to state data that includes a time information indicating a current time, by using a schedule information describing scheduled activities of the user according to the current time indicated by the time information. Amended Claims 20 and 39 include similar features.

Thus, Claims 1, 20 and 39 are amended to incorporate features previously recited in Claims 5 and 6 (or 24 and 25), and independent Claim 40 is canceled.

Thus, in a system according to the claims, goods or services scheduled or desired to be purchased by each user may be registered in advance such that the system will urge or remind the user to make the action for purchasing the goods or services at the current location, even if the user himself is not consciously aware that he is currently in a state suitable for making the action for purchasing the goods or services according to the scheduled activities at the current time.

Applicants respectfully note that the Office Action fails to address the features of Claims 5, 6, 24 and 25, and in particular fails to indicate or point out any reference that teaches those features. Further, Applicants respectfully submit that Welch fails to teach or suggest those features. Welch only indicates disclosing information to a user or performing an action for the user when the user chooses to associate the information or action with a predetermined location and when the user arrives at that location. Thus, Applicants respectfully submit that Welch completely fails to teach or suggest judging the user state regarding whether the user is currently fit to make an action for purchasing goods or services at a current physical location, by using a schedule information describing scheduled activities of the user at the current time. Accordingly it is respectfully submitted that Welch fails to teach or suggest a user state judgement unit that “judges the user state according to the state data that includes a time information indicating a current time, by using a schedule information describing scheduled activities of the user according to the current time indicated by the time information,” as recited in independent Claim 1, and as similarly recited in Claims 20 and 39.

Accordingly, Applicants respectfully submit that independent Claims 1, 20 and 39, and claims depending therefrom, patentably define over Welch.

Further, Applicants respectfully traverse the rejection of Claims 14, 18, 33 and 36 under 35 U.S.C. § 103(a) as unpatentable over Welch in view of Jacobi.

Claims 14, 18, 33 and 36 depend from Claim 1 or 20, which at least for the reasons discussed above are believed to patentably define over Welch. Further, Applicants respectfully submit that Jacobi fails to teach or suggest the claimed features lacking in the disclosure of Welch. Thus, it is respectfully requested that rejection be withdrawn.

Accordingly, Applicants respectfully submit that independent Claims 1, 20 and 39, and claims depending therefrom, are allowable.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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